



Serial No.: 10/647830
Confirmation No.: 2956
Applicant: PATEL, Arvind D.
Atty. Ref.: PA-00412US

REMARKS:

REMARKS REGARDING CLAIMS AMENDMENTS:

Claim 1 has been amended as indicated above. Specifically Claim 1 has been amended to include the limitations of allowed claim 5.

Claims 5, 16 and 19 have been canceled as being duplicative of the existing claims.

Claims 23-30 directed to the unelected invention have been canceled without prejudice so as to place the application into a condition for immediate allowance.

Support for the above amendments to the claims can be found in the original specification and claims as filed.

IN RESPONSE TO THE OFFICE ACTION:**REJECTION UNDER 35 U.S.C. § 112:**

Examiner has rejected claims 16 and 19 under 35 U.S.C. § 112 as allegedly being indefinite and failing to particularly point out the Applicants' invention.

In response, Applicant has canceled claims 16 and 19.

Applicant submits that the above amendment obviates the rejection of the claim under 35 U.S.C. § 112, second paragraph, and thus ask that the Examiner reconsider and withdraw the rejection of the claim and indicate allowance in the next paper from the Office.

REJECTION UNDER 35 U.S.C. § 102:

Claims 1-4 have been rejected under 35 U.S.C. §102 as being anticipated by USP 4,049,716 of Collet. However claim 5 was indicated as being allowable, but objected to as being dependent upon a claim subject to a rejection.

In response, Applicants request that the Examiner reconsider and withdraw the rejection in view of the amendment made to independent claim 1. Specifically, Applicants have amended independent claim one to incorporate all of the limitations recited in original claim 5 which has been allowed by the Examiner.

In view of the above, Applicants request the reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §102 and ask that the Examiner indicate their allowance in the next paper from the Office.

REJECTION BASED ON NON-STATUTORY DOUBLE PATENTING:

Claims 1, 4-8, 11-22, 31 and 34 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable given USP 6831042 indicated as being that of Arvind D. Patel et al. assigned and owned by the Assignee and owner of the present application. The undersigned has noted that an inadvertent typographical error may have been made by the Examiner and the basis for the rejection should have been USP **6831043** and not USP 6831042 (copy enclosed). The '042 case is not co-owned by the Applicant of the present case and thus obviousness type double patenting is not appropriate. However, USP 6831043 is



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the patent granted to Arvind D. Patel et al. and assigned and owned by the Assignee and owner of the present application. Thus the enclosed Terminal Disclaimer has been prepared and submitted referencing USP 6831043.

Applicants request that the Examiner reconsider and withdraw the above rejection of the claims in view of Terminal Disclaimer (FORM PTO/SB/26) filed with this paper.

Claims 1, 4, 6-8, 11, 13-14, 21-22, 31 and 34 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable given US Application No. 11/008008 of Arvind D. Patel et al. assigned and owned by the Assignee and owner of the present application.


Applicants request that the Examiner reconsider and withdraw the above rejection of the claims in view of Terminal Disclaimer (FORM PTO/SB/25) filed with this paper.

Given the above, Applicants request that the rejection of the claims be reconsidered and withdrawn and that the Examiner indicate the allowance of the claims in the next paper from the Office.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 13-3082, Order No. PA-00412US.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,


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Date: 12/4/05